

May 28, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
C/o Mark Fadok, Esq.
Patent Examiner



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GROUP 3600

Re: Application No. 09/727,050 Art Unit: 3625

Dear Mr. Fadok;

In response to your correspondence outlined in official USPTO office action date March 5, 2004, I respectfully request reconsideration of the decision and opinions regarding the validity of my patent claims. I have attached amendments to the claims filed in order to clarify any ambiguities with respect to the novelty of my invention and the distinction from any prior art, particularly Paltenghe 09/190,727.

Although the claims set forth in Paltenghe are similar to the constructs of storage repositories such as private credit card hubs, I strongly believe that the process set forth in my patent application is unique and useful; thus, warranting protection. 35 U.S.C. 101. Moreover, my invention survives the litmus test of novelty, usefulness and uniqueness from prior art by means of the standard that no invention existed, as of initial filing, that connotes ubiquitous connectivity for demand deposit accounts, without third party value-tokens such as credit cards or proprietary personal databank storage methodologies as denoted by Paltenghe. The CyberMoney methodology is the process by which any Internet enabled device may communicate and connect to any commercial or investment bank account, irrespective of data storage or e-wallet methodologies such as outlined in Paltenghe. The CyberMoney methodology is **not** based upon e-wallet value-store principles.

There exist key distinctions between claims proffered by Paltenghe and CyberMoney. First of all, Paltenghe alludes to credits, coupons and tokens redeemed through a smart/credit card clearinghouse concept, and does not specifically claim protection for clearing directly from financial institution accounts. Secondly, Paltenghe's focus as an information bank culminates into a facility of personal information and data retrieval, enabling access by third parties to personal information stored in its e-wallet. CyberMoney methodology does not enable or allow such access. As stated in the CyberMoney specification, seamless connectivity to financial account settlement requires the utmost security and scrutiny. Therefore, Paltenghe could not have considered an extension of claims proffered by the CyberMoney application. Furthermore, in Paltenghe, Fig 14 specifically illustrates a generic access concept for illustration purposes only and does not claim protection of the entire layer between consumer/purchaser, merchant and financial institutional account. Paltenghe only claims protection authorizing user data access by third parties and commercial transactions using credits stored in its wallet.

With all due respect, a prima facie case of obviousness has not been established. Though, Paltenghe mentions some elements of the instant claims, there is no express or implied motivation to modify or combine elements stated in my application to develop a "Swiss Army Knife" of connectivity with that of the very detailed process of personal information storage set forth in Paltenghe. There can be no extrapolation of ubiquitous device and financial account connectivity as well as the expectation of success for the extension of building seamless financial account

connectivity from Paltenghe's central thrust of e-wallet personal information storage methodology. Most importantly, prior art must teach or suggest all claim limitations. Many central elements of claims articulated in my application does not exist in Paltenghe. Neither teachings nor suggestions to make the claim combinations or extension by the examiner and the reasonable expectation of successful application exist in this or any other prior art. Application and articulation of the ubiquitous and seamless connectivity process is based solely upon disclosure of claims set forth in my application. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438(Fed. Cir. 1991)

Furthermore, the methodology of seamless connectivity by means of a robust application interface processes would not be obvious to a person of ordinary skill or experience in the art of Paltenghe or any other prior art at the time of invention. It would take a person or persons with access to an enormous amount of information and experience to develop or construe an efficient methodology of seamless connectivity between Internet enabling technologies and demand deposit accounts. A person of ordinary skill in the art of Paltenghe could not claim protection with respect to personal information storage, retrieval and sale of said information to third parties and conversely claim secure seamless connectivity to the most sensitive financial data at the same time. The two concepts are diametrically opposed. As a computer technologist/programmer for more than 25 years and more than 20 years in commercial and mortgage banking, I can personally attest to the investment in time and research to develop such a process.

Conclusively, e-wallet technology is an obvious extension of reality transference to cyber-science. The central test of novelty and usefulness encompasses the question of "Can e-wallet, credit cards and CyberMoney technologies co-exist?" If not, then there is a great hurdle in claiming exclusivity and uniqueness for one from the other. Since all technologies could easily co-exist, irrespective of market share, then the CyberMoney art claims truly have merit. Moreover, the claims set forth in Paltenghe, as in other prior art, focus on personal information storage and retrieval based upon credit or smart card technology and do not include the claims of seamless financial account connectivity as set forth by CyberMoney. Thusly, it is highly probable that Paltenghe would not or could not have envisioned any extension of its claims to those articulated in CyberMoney claims. The methodologies of Paltenghe and CyberMoney are distinctly different as well as non-dependent based upon facts stated herein

The undersigned declares that all statements made herein, by his own knowledge are true and that all statements made on information and belief are believed to be true. Thank you for your consideration and re-examination of my application.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal line extending to the right.

Allison DeBonnett, Jr.